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October 19, 2017

BY ECF

Hon. Dora L. Irizarry, U.S.D.J.  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Applebaum, et al. v. National Westminster Bank, Plc, 07-cv-916 (DLI) (RML)  
Weiss, et al. v. National Westminster Bank, Plc, 05-cv-4622 (DLI) (RML)  
Strauss, et al. v. Crédit Lyonnais, S.A. 06-cv-702 (DLI) (RML)  
Wolf, et al. v. Crédit Lyonnais, S.A., 07-cv-914 (DLI) (RML)

Dear Chief Judge Irizarry:

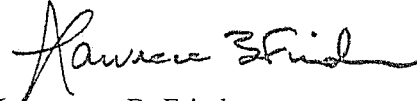
I am responding on behalf of defendants Crédit Lyonnais, S.A. ("CL") and National Westminster Bank ("NatWest") to Mr. Turner's October 17 letter to the Court on behalf of plaintiffs. In that letter, Mr. Turner requests that the trial of plaintiffs' claims against NatWest precede the trial of their claims against CL, despite the fact that this would reverse the trial sequence that plaintiffs proposed years ago, and on the basis of which these cases have proceeded since at least 2008. That sequence is reflected in (a) statements that the parties have previously made to the Court (including my statements, which plaintiffs' counsel did not dispute, during the September 15, 2016 hearing before Your Honor, as is indicated in the transcript that is Exhibit 1 to Mr. Turner's letter at 24:4-10 and 29:4-9), (b) multiple filings by the parties, including but not limited to plaintiffs' December 4, 2008 letter to Magistrate Judge Go that is Exhibit 2 to Mr. Turner's letter and a letter plaintiffs sent to Your Honor nearly five years later, on September 19, 2013, a copy of which is attached, and (c) the Court's prior scheduling orders. I would be pleased to provide copies of these materials to the Court, if it wishes that I do so.

At present, however, because CL and NatWest may have diverging interests with respect to Mr. Turner's request, my ethical obligations preclude me from advising both of them on this subject. We understand that each of CL and NatWest will therefore consider this question independently of my firm and will respond to plaintiffs' request as soon as possible. In

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the interim, both CL and NatWest will comply with Magistrate Judge Levy's Orders of October 16, and will work with plaintiffs to prepare the Joint Pretrial Order in the lawsuits against CL for filing no later than December 15, 2017, and the Joint Pretrial Order in the lawsuits against NatWest for filing no later than February 15, 2018.

Respectfully,

A handwritten signature in black ink, appearing to read "Lawrence B. Friedman". The signature is fluid and cursive, with the first name "Lawrence" being more prominent and the last name "Friedman" following in a similar style.

Lawrence B. Friedman

Attachment

cc: Magistrate Judge Robert M. Levy (via ECF)  
All counsel of record

ATTACHMENT

SAYLES | WERBNER

September 19, 2013

VIA ECF

Honorable Dora L. Irizarry  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: *Strauss, et al. v. Credit Lyonnais, S.A.* - Case No. CV-06-0702.  
*Wolf, et al. v. Credit Lyonnais, S.A.* - Case No. CV-07-0914.

Dear Judge Irizarry:

We write on behalf of all Plaintiffs, in accordance with Your Honor's Individual Motion Practice Rule II.E, to respectfully request that the Court approve our unopposed amendment to the pre-trial schedule set forth in Your Honor's July 16, 2013 electronic order (the "July 16 Order"). The July 16 Order set January 31, 2014 as the final date to submit a final Joint Pre-trial Order. ("JPTO"). For the reasons explained below, we request that the Court approve a modified and agreed-upon schedule. This is the first request for an extension of the schedule established in the July 16 Order, which was set in response to the parties' July 12 submissions to the Court.

The parties have met and conferred to discuss anticipated supplemental fact and expert witness discovery addressing attacks implicated by the July 16 Order, which reinstated claims in light of amendments to the Anti-Terrorism Act's statute of limitations. In crafting a proposed amended schedule, we have taken into account issues pertaining to witness availability that were not apparent when a JPTO date was set in mid-July, which include witness conflicts with other professional commitments exacerbated by ongoing events in the Middle East and intervening fall and winter religious and secular holidays, as well as pending requests to Israeli archives for materials germane to the five attacks and foreign language translation issues for documents and testimony. Adjustments of a few months were made to the interim dates leading up to submission of the JPTO based on these considerations.

Accordingly, subject to the Court's approval, Plaintiffs propose the following amended pre-trial schedule:

1. On **October 15, 2013** the parties will exchange Fed. R. Civ. P. 26(a)(1) and Fed. R. Civ. P. 26(a)(2)(C) supplemental disclosures identifying and producing additional documents, and identifying fact witnesses they may rely upon in connection with attacks implicated by the July 16 Order, including fact witnesses who may offer opinions in compliance with Fed. R. Civ. P. 26(a)(2)(C), and copies of transcripts of any prior testimony by such fact witnesses that is relevant to those attacks. Plaintiffs

Honorable Dora L. Irizarry  
September 19, 2013  
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will also identify any reinstated Plaintiffs who may be called to testify in the liability trial and will furnish Defendant with Plaintiff Profile Forms, in the form to which the parties have agreed, and copies of transcripts of any prior testimony these Plaintiffs have provided in other lawsuits arising from their injuries.

2. On **December 2, 2013** the parties will exchange additional case-in-chief Rule 26(a) expert reports pertaining to attribution for the attacks implicated by the July 16 Order and copies of all documents cited in those reports (to the extent they have not already been produced).
3. On **January 31, 2014** the parties will exchange rebuttal expert witness reports and copies of all documents cited in those reports (to the extent they have not already been produced).
4. By **March 6, 2014**, the parties will complete all discovery pertaining to the attacks, including depositions of newly identified fact witnesses, Plaintiffs who have been newly identified to testify in the liability trial (such depositions to address only liability issues, not these Plaintiffs' damage claims) and expert witnesses.
5. If either party moves for summary judgment with regard to attribution for the above-referenced attacks, such motions will be filed on **March 21, 2014**, with responses filed on **April 4** and replies filed on **April 25**. The JPTO will be submitted on **May 30**.
6. If neither party moves for summary judgment with regard to the above-referenced attacks, the parties will so notify the Court no later than **March 6, 2014**, and the JPTO will be submitted on **April 11, 2014**.

Accordingly, Plaintiffs respectfully request that Your Honor approve the above-amended schedule.

Respectfully submitted,

Handwritten signature of Mark S. Werbner in black ink.

Mark S. Werbner  
[mwerbner@swtriallaw.com](mailto:mwerbner@swtriallaw.com)  
(214) 939-8711

cc: All Counsel of Record